THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 7104 of 2007

DATED: 19.06.2007

Between:

S.Laxmi Narayana and others.

.. Petitioners.

And

Dr.NTR University of Health Sciences,
Gunadala, Vijayawada,
and another.

.. Respondents.

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ORDER:

In this writ petition, the petitioners eleven in number, who are students studying Post Graduation Courses in Medicine, have appeared for Examinations in MD, MS, MD General Medicine and MD Pathology respectively, and they seek directions by way of a Mandamus to declare the action of the respondents in not extending the rule of double valuation to them in evaluating their theory papers as extended to 1st year MBBS students appeared in August, 2006, as illegal and arbitrary.

2. It is the case of the petitioners that in the examination results, they were declared failed, as they did not secure minimum qualifying marks in theory subjects. It is their representation that some of their answers were undervalued and proper marks were not awarded to them by the examiners, appointed by the University. It is further submitted by the petitioners that the first respondent conducted a workshop on reforms in examination and has got some recommendations, wherein "Double Valuation" of the answer scripts was agreed to be introduced.

3. In the counter affidavit filed by the Registrar, Dr.NTR University, while generally denying the allegations, it has specifically denied the

allegations of the petitioners that some of the answers answered by them have been undervalued. It is also submitted that, in the regulations of the University, there is no provision of revaluation. But, however, it has admitted that the University had conducted two days workshop in the month of December, 2006, which recommended for double valuation, and the same was approved by the Academic Senate in its meeting held on 28.04.2007.

4. In this case, except the application filed by the petitioners, there is no other basis for their allegation that some of the answers answered by them were undervalued and the examiners appointed by the University have not awarded proper marks to their answers, and unless it is demonstrably proved, there is no reason to accept the allegation of the petitioners. In any event, at the time of examination of the petitioners i.e., in the month of November, 2006, there is no provision at all in the regulations of the University as far as adopting of further valuation. It is only after conducting of the workshop by the University in the month of December, 2006, the recommendation of Double Valuation was agreed to be introduced, and it is made applicable from the present Academic year i.e., from 2007-2008 onwards and it cannot be applicable with retrospective effect. The double valuation as sought by the petitioners is nothing, but, it is revaluation. It is well settled that unless there is specific provision for revaluation in the academic regulations of the University, students are not entitled to seek revaluation as a matter of right.

5. Learned counsel for the petitioners has placed reliance on the judgment reported in **M/s.Suchitra Components Ltd. vs. Commission of Central Excise, Guntur (2007(3) Supreme 215),** wherein it is held as hereunder:

"Beneficial circular has to be applied retrospectively while oppressive circular has to be applied propectively."

But, in the present case, as the examinations are regulated in accordance with the Academic Regulations, the ratio laid down in the case referred supra cannot be applied as regards to the facts and circumstances of this case. Therefore, I do not find any merits in the writ petition and it is liable to be dismissed.

Subject to the above observations, the writ petition is dismissed. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.19.06.2007
Note: Furnish CC in two days
B/o
v v